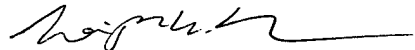


In re: Abad *et. al.*
Appl. No.: 10/032,717
Filed: October 23, 2001
Page 5

this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

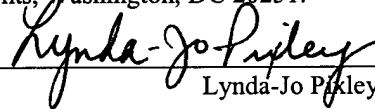


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Lynda-Jo Pickley

Version With Markings to Show Changes Made:

1.(Twice amended) An isolated nucleic acid comprising a nucleotide sequence [selected from the group consisting of:

- (a) a nucleotide sequence set forth in SEQ ID NO:1, 3, 5, 7, 9, 15, or 17;
- (b) a nucleotide sequence encoding the amino acid sequence set forth in SEQ ID NO:2, 4, 6, 8, 16, or 18;
- (c) a nucleotide sequence characterized by] having at least [88%] 90% sequence identity to the nucleotide sequence set forth in [(a)] SEQ ID NO:1. [;]
- (d) a nucleotide sequence encoding a protein comprising an amino acid sequence characterized by at least 85% sequence identity to the amino acid sequence set forth in (b);
- (e) an antisense nucleotide sequence corresponding to a nucleotide sequence of any one of (a) to (d); and
- (f) a nucleotide sequence that hybridizes under stringent conditions to a nucleotide sequence of (a).]

9.(Twice amended) A transformed plant comprising in its genome at least one stably incorporated nucleotide construct comprising a [coding] nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of [a] said polypeptide [that is] , wherein said polypeptide is pesticidal for at least one pest belonging to the order Coleoptera[,] and wherein said [coding] nucleotide sequence [is selected from the group consisting of:

- (a) a nucleotide sequence set forth in SEQ ID NO:1, 3, 5, 7, 9, 15, or 17;
- (b) a nucleotide sequence encoding the amino acid sequence set forth in SEQ ID NO:2, 4, 6, 8, 16, or 18;
- (c) a nucleotide sequence characterized by] has at least [88%] 90% sequence identity to the nucleotide sequence set forth in [(a)] SEQ ID NO:1 [;

- (d) a nucleotide sequence encoding a protein comprising an amino acid sequence characterized by at least 85% sequence identity to the amino acid sequence set forth in (b);
- (e) a nucleotide sequence according to any one of (a) to (d) that comprises codons optimized for expression in a plant;
- (f) an antisense nucleotide sequence corresponding to a nucleotide sequence of any one of (a) to (d); and
- (g) a nucleotide sequence that hybridizes under stringent conditions to a nucleotide sequence of (a).]

17.(Twice amended) A method for impacting a plant pest comprising introducing into [said] a plant or cell thereof at least one nucleotide construct comprising a [coding] nucleotide sequence encoding a polypeptide operably linked to a promoter that drives expression of [a] said [pesticidal] polypeptide in plant cells, wherein said polypeptide is pesticidal for at least one pest belonging to the order Coleoptera and wherein said nucleotide sequence [is selected from the group consisting of:

- (a) a nucleotide sequence set forth in SEQ ID NO:1, 3, 5, 7, 9, 15, or 17;
- (b) a nucleotide sequence encoding the amino acid sequence set forth in SEQ ID NO:2, 4, 6, 8, 16, or 18;
- (c) a nucleotide sequence characterized by] has at least [88%] 90% sequence identity to the nucleotide sequence set forth in [(a)] SEQ ID NO:1. [;
- (d) a nucleotide sequence encoding a protein comprising an amino acid sequence characterized by at least 85% sequence identity to the amino acid sequence set forth in (b);
- (e) an antisense nucleotide sequence corresponding to a nucleotide sequence of any one of (a) to (d); and
- (f) a nucleotide sequence that hybridizes under stringent conditions to a nucleotide sequence of (a).]